

VIRGIN TOWN
ORDINANCE # 2016-072716-01

AN ORDINANCE OF THE VIRGIN TOWN COUNCIL, WASHINGTON COUNTY, UTAH, ADOPTING CHAPTER 29 OF THE VIRGIN UNIFORM LAND USE ORDINANCES ("VULU") CREATING A CAMPING RESORT ZONING DISTRICT ("CRZ") WITHIN THE TOWN AND FURTHER DESIGNATING AND REGULATING USES THEREIN.

RECITALS

WHEREAS, Virgin Town ("Town") is a municipal corporation duly organized and existing under the laws of the State of Utah, particularly Title 10 of the Utah Code.

WHEREAS, Virgin Town Council ("Town Council") is both the Town's governing body and Land Use Authority pursuant to Utah Code § 10-9a-101 *et seq.*

WHEREAS, the Town presently does not have a zone wherein RV Camping and Tent Camping is allowed as either a permitted or conditional use.

WHEREAS, because the Town is located within the valley corridor leading up to main entrance of Zion's National Park which receives thousands of visitors each year, the Town Council has determined that there is a need and a benefit to allowing this type of lodging within the Town on a highly regulated basis.

WHEREAS, the Town Council has further determined that the creation of a specialized zoning district which specifically allows such uses, yet regulates their location, scope and effect on residences and businesses is the best way to authorize such uses on a limited and regulated basis.

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Virgin, Washington County, State of Utah, as follows:

1. Addition of Chapter 29, Camping Resort Zone (CRZ) to VULU:

CHAPTER 29 CAMPING RESORT ZONE (CRZ)

29.1. PURPOSE.

The purpose of the Camping Resort Zone is to:

- 29.1.1.** allow for and regulate the development of tourist-based outdoor camping and recreation uses in appropriate locations while preserving and enhancing the unique visual quality and rural character of the Town of Virgin; and
- 29.1.2.** locate camping and recreation uses where such uses will not negatively impact the quiet enjoyment of existing residential areas or traffic on residential streets; and

- 29.1.3.** allow for the development of buildings while requiring designs that are compatible with the surrounding landscape; and
- 29.1.4.** protect scenic views and minimize visual impacts in the entrance corridor to the town, which provides the first impression of the town and Zion Canyon for many visitors; and
- 29.1.5.** encourage the preservation of significant natural and historically agricultural landscape and open space, and minimize site disturbance; and
- 29.1.6.** protect the values, beauty and heritage of the area in physical appearance, quality of design and interrelationship of land use and development and thus serve as a valuable asset and benefit for the entire community; and
- 29.1.7.** enhance general property values within the Town of Virgin; and
- 29.1.8.** promote the economic well-being of the Town through the generation of room and resort taxes; and
- 29.1.9** mitigate, to the greatest extent possible, a campground's adverse visual, light, and noise impacts through the Conditional Use Permit process to protect the characteristics and values of adjoining properties, especially established residential neighborhoods.

29.2. GENERAL.

The Town of Virgin is located in a corridor near Zion Park which receives millions of visitors each year, and it is in the best interest of the Town of Virgin to have a zoning classification to carefully locate and accommodate camping and recreation uses.

29.2.1. DEVELOPMENT CHARACTERISTICS.

The Camping Resort Zone shall be characterized by clean, low-lit roads and recreational amenities, village scale development and buildings that reflect the rural character of Virgin. This zone is intended to provide for rustic lodging with support facilities and services, small-scale commercial activities, outdoor recreation, and access to community trail systems. Development and its associated activities will be sustainable in nature, utilizing best practice methods of waste disposal, and longevity in quality and built form. Development controls and design guidelines, in conjunction with provisions of the General Plan and other ordinances will ensure that the zone provides for the social, economic and cultural well-being of the wider community, while assisting in ecological enhancement and the seamless integration of the built and natural environment.

29.3. LOCATION AND SIZE.

The location of the Camping Resort Zone shall be strictly limited by area and size within the Town of Virgin to balance this use with other desirable land uses and to minimize conflicts. The designation shall only be granted to parcels, or portions of parcels, which meet the following characteristics:

29.3.1. The location is sufficiently separated from established residential neighborhoods to minimize adverse visual, light, and noise impacts. The Land Use Authority shall fully consider and give additional weight to comments from adjoining landowners when

considering a proposal to a rezone land to the CRZ zone; and

29.3.2. Vegetation and topography serve to buffer a project from impacting important scenic view sheds; and

29.3.3. The location shall give a project access directly to SR-9 or to an existing, non-residential, arterial street; and

29.3.4. Any properties on the south side of the Virgin River shall have no camping resort use; and

29.3.5. The parcel, or combination of adjoining parcels under identical ownership, totals no less than 5 acres.

29.3.6. The location is in harmony with the General Plan once it has been revised. when the CRZ is a possible zone. (Heath wrote the whole thing. Should I remove what's in red?)

29.4. PERMITTED USES.

There are no permitted uses in the Camping Resort Zone. All uses are by Conditional Use Permit.

29.5. CONDITIONAL USES.

The approval for any project and the continuing use of the property shall be subject to a Conditional Use Permit. Refer to VULU Chapter 8 for procedure.

The conditionally permitted uses in the Camping Resort Zone are:

29.5.1. Campground

29.5.2. Cabin rentals

29.5.3. Club house

29.5.4. Parks and Playgrounds (incident to CRZ uses)

29.5.5. Retail Sales (incident to CRZ uses)

29.5.6. Recreation facilities for guests

29.5.7. Campground Restaurant

29.5.8. Service Station (Incident to CRZ uses) Standards to be created in the future.

29.5.9. Limited Commercial Habitation (per Chapter 8, Sections 8.11 and 8.12)

29.6. CAMPGROUNDS AS LODGING FACILITIES

All Campgrounds are considered lodging facilities for tourists and are subject to the Transient Room Tax as well as all of the constraints found in 8.13.3 et. Seq.

29.7. APPLICATION PROCESS

29.7.1. An application for a Conditional Use Permit shall be made to the Virgin Town Planning and Zoning Commission pursuant to Chapter 8.3.1 of this Ordinance.

29.7.2. Campgrounds shall be designed by a licensed architect, landscape architect, engineer, or professional land use planner. All structures shall be permanent structures

meeting International Building Code and Virgin Town code requirements. All drawings for buildings, structures, grading, utility, irrigation, etc. plans shall be sealed and signed.

29.7.3. The Development Plan submitted pursuant to Section 8.4 shall be drawn to scale not smaller than one inch (1") equal to fifty feet (50'). At least three (3) hard copies and one digital copy of the plans shall be submitted. The plans shall show:

29.7.3.A. The existing and proposed topography of the site, when required by the Planning and Zoning Commission, represented by contours shown at not greater than two foot (2') intervals.

29.7.3.B. The proposed vehicle circulation layout and recreational vehicle, travel trailer, campground, and/or cabin park space pad layout, including points of ingress and egress as required and approved by UDOT (when connecting to a UDOT road).

29.7.3.C. Proposed locations for all uses included but not limited to: playgrounds, restaurants, cabins, clubhouse, check-in-building, retail sales, service station, and common recreational areas.

29.7.3.D. Tabulations showing the percent of area to be devoted to parks, playgrounds and communal recreational areas, the number of recreational vehicles, travel trailers, campsites, and/or cabin park spaces, and the total area to be developed.

29.7.3.E. Proposed location, number, and design of parking spaces for each proposed use (see 29.9.2 Circulation and Parking).

29.7.3.F. Generalized landscaping and utility plan, including location of water, sewer, electricity, gas lines, and fire hydrants as per The International Fire Code.

29.7.3.G. The Washington County Water Conservancy District's (WCWCD) approval of the engineering study pursuant to Section 13 of Virgin Town's Water Service Agreement with the WCWCD.

29.7.3.H. Proof that the land to be developed is under one (1) legal ownership.

29.7.3.I. Any other reasonable data (according to Virgin Town's attorney) that becomes necessary during the process of application review by the Zoning Administrator and the Planning and Zoning Commission.

29.7.4. The applicant for a Campground shall pay to the Town of Virgin at the time of application an inspection and review fee, as required by the Town Fee Schedule. All other fees are due prior to beginning construction.

29.7.5. Applications shall be in writing, reviewed by Virgin Town's attorney (any associated attorney fees shall be paid by the applicant), and then submitted to the Zoning Administrator. The Planning and Zoning Commission and Virgin Town Council shall review the application at its regularly scheduled meetings. Once a complete application has been

received by the Zoning Administrator and recommendation is made by the Planning and Zoning Commission, the Town Council will review the application for approval, approval with conditions or denial within three (3) months unless holidays or unexpected circumstances intervene.

29.7.6. Applications will not be considered complete and ready for approval review until all application information is submitted.

29.7.7. For multiple phase projects, the applicant must have at least the first phase of the project completed and ready for occupancy before beginning subsequent phases.

29.8. GENERAL PROVISIONS FOR CAMPGROUNDS

29.8.1. The owner(s) of any Campground in Virgin Town that is built and/or regulated by these provisions shall provide a copy of the standards set forth in this Section (29.8) to all occupants who are tenants.

29.8.2. Campground spaces shall not be occupied or otherwise used by any individual(s) for more than 180 days in a one (1) year period beginning at the initial date of occupancy. Nor shall cumulative occupancy by such person(s) of different spaces within the same Campground exceed a total of 180 days in one (1) year period.

29.8.3. The occupants of an RV site may have only one (1) other vehicle in addition to the self-propelled recreational vehicle or travel trailer and necessary tow vehicle.

29.8.4. A campground manager must be on duty within the park at all times. All Campground managers shall maintain a patrons log consisting of names, dates of occupancy and number of spaces. Patron logs shall be made available to code enforcement officers at their request.

29.8.5. Animals traveling with campers shall not be allowed to run loose. Pets shall be kept inside an RV, travel trailer, tent or cabin, tethered or otherwise confined within their site, or on a leash at all times.

29.8.6. "Quiet time" shall be observed nightly between the hours of 10:00 P.M. and 7:00 AM.

29.9. CAMPGROUND STANDARDS

29.9.1. GENERAL SITE DESIGN STANDARDS.

29.9.1.A. Campgrounds shall not consist of more than an average of twelve (12) units (RV sites, tent sites or cabins) per acre. The total number of spaces shall not exceed the number permitted by a development yield analysis subject to 8.13.3D. Units may be clustered.

29.9.1.B. Utah Administrative Code R392-301 'Recreational Vehicle Park Sanitation' applies to all Campgrounds.

29.9.1.C. Campgrounds shall provide a communal solid-waste receptacle area(s). Container(s) shall be fitted with a tight fitting lid(s). Container(s) shall be located in an

area screened from public view by an enclosure with a solid wall structure with a closable gate. The enclosure shall be designed to prevent littering. Enclosures of chain-link fencing are prohibited.

29.9.1.D. Campground s shall be responsible for the regular and proper collection and disposal of all refuse, garbage, and litter accumulated within the Campground. Collection shall be no less than once a week.

29.9.1.E. To meet the purposes of this Chapter, in particular the purposes of Section 29.1.9, all exterior boundaries shall be sufficiently screened from surrounding uses by privacy walls, fences, or landscaped buffers, or a combination thereof. Because each location presents unique opportunities and challenges, required screening details shall be determined on a project by project basis and incorporated into the Conditional Use Permit. Integration with the community and adjoining landscape is preferred over the construction of a fully enclosed compound. Privacy walls and fences shall not exceed six feet (6') tall. The use of shorter walls, landscaping, decorative barriers, or three-rail type fence are encouraged in appropriate locations to maintain the town's rural character and scenic views.

29.9.1.F. Setbacks. A minimum fifty foot (50') setback/landscaped buffer along any property boundary that is adjacent to a public street right-of-way shall be required. To meet the purposes of this Chapter, in particular the purposes of Section 29.1.9, an adequate setback/landscaped buffer along property boundaries which border on residential zones shall be required. Because each location presents unique opportunities and challenges, required setbacks shall be determined on a project by project basis and incorporated into the Conditional Use Permit. Typically, setbacks from residential zones would not be less than fifty feet (50'), the minimum setback in any other circumstance is thirty feet (30'). The Public trails may be located within required setbacks/buffers. All structures proposed within the 100 year flood plain must be designed to meet current and applicable Town and State standards.

29.9.2. CIRCULATION AND PARKING.

29.9.2.A. Campground s shall provide streets in such a pattern as to provide convenient and safe traffic circulation and emergency access within the Campground. Streets shall be built to the following standards:

29.9.2.A.i. Two-way streets shall be a minimum of twenty four feet (24') wide. One-way streets shall be a minimum of eighteen feet (18') wide.

29.9.2.A.ii. All roads shall be paved. Roads shall be constructed to Town standards and shall be provided with concrete curb and gutter. Curb and gutter may be a roll curb or two foot (2') modified type to provide convenient access to trailer sites.

29.9.2.A.iii. Traditional street lighting is prohibited to protect night sky requirements and minimize impacts to neighboring uses. Low lighting less than 1,500 lumens, fully shielded and not more than three feet (3') in height is

recommended and should be kept to a minimum. (See VULU 4.20 for definitions and guidelines).

29.9.2.A.iv. All Campgrounds shall have direct access to SR 9 or an arterial street such as Kolob Terrace Road for all ingress, egress, and emergency services. Campgrounds shall not be accessed from residential streets. If no secondary access is possible (as may be required by Fire Code), a blocked emergency exit may be permitted to connect to a residential street only if such access is permanently restricted in a legally binding agreement recorded against the property.

29.9.2.A.v. Campgrounds shall have separate ingress and egress as required by The International Fire Code, Chapter 503 and the National Fire Protection Association 1194.

29.9.2.B. On street parking is prohibited.

29.9.2.C. . A parking space with unencumbered dimensions of not less than nine feet (9') in width and twenty feet (20') in length for automobiles shall be provided for each site. Individual RV sites shall incorporate required parking into the site; tent sites and cabin sites may either provide required parking within a site, or provide required parking in a separate detached lot to provide a more rustic experience for guests.

29.9.2.D. Each site shall provide sufficient parking and maneuvering space so that the parking, loading, or maneuvering of trailers incidental to parking shall not necessitate the use of any public street, sidewalk, right-of-way, or any private grounds not part of the Campground area.

29.9.2.E. Campground s shall provide guest parking at a minimum ratio of one (1) parking space per five (5) sites and one (1) parking space per employee on duty (Ch. 8.13.3B Parking) in addition to the individual on-site spaces required above. Additional parking spaces shall not be provided on interior roads. During a CUP review if the Town determines additional parking is required because of project specific amenity use, it may do so.

29.9.3. UTILITIES.

29.9.3.A. Campgrounds shall be connected to Town of Virgin municipal facilities and a local power company where available. All utility distribution facilities, including television antenna service lines, shall be installed underground. The owner shall make arrangements with each of the utility providers for installation of said facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other necessary appurtenances to underground facilities may be placed above ground.

29.9.3.B. Campgrounds shall provide adequate water supply hookups to each unit/site, with the exception of tent and cabin sites. Water will be made available for all tent and cabin sites within a reasonable walking distance. All water supply lines shall be installed with an approved backflow prevention device per code.

29.9.3.C. Campgrounds shall provide waste-water system hook-ups to all individual units/sites, with the exception of tent and cabin sites.

29.9.3.D. All RV units/sites shall provide waste-water disposal provisions including a sanitary dumping station for Campground users. If it is not possible to connect to a public waste-water system, the Campground is required to provide a treatment system subject to the Department of Environmental Quality (DEQ) / Southern Utah Public Health Department rules, regulations and approvals.

29.9.3.E. In compliance with subsection 13 – Groundwater Protection of Virgin Town's Water Service Agreement with the Washington County Water Conservancy District (WCWCD), Virgin's Land Use Authority (LUA) shall not approve Campgrounds which will contribute to septic sanitation greater than the equivalent of one dwelling per acre overall.

29.9.3.F. Campgrounds shall ensure waste-water treatment systems are functioning at acceptable levels and shall follow the rules, regulations, and requirements for maintenance of the wastewater treatment system according to the Department of Environmental Quality (DEQ) including submitting any required sampling of effluent to the DEQ or to the Southwest Public Health Department for analysis.

29.9.3.G. Traditional septic systems are prohibited in Campgrounds.

29.9.3.H. Campgrounds shall provide electrical outlets of appropriate voltage to all individual units/sites. Install electrical service underground in compliance with applicable codes utilizing approved connectors.

29.9.4. LANDSCAPING AND RECREATION AMENITIES.

29.9.4.A. The following minimum landscape requirements shall apply to Campgrounds:

29.9.4.A.i. All open areas except driveways, parking areas, walking ways, utility areas, or patios shall be maintained with landscaping in accordance with a detailed landscaping plan to be approved in conjunction with issuance of a Conditional Use Permit.

29.9.4.A.ii. A minimum of one (1) tree shall be planted and maintained for each unit/site.

29.9.4.A.iii. Properties fronting on public roads shall have a minimum 50 foot (50') landscaped and irrigated buffer between the road right-of-way and development. A continuous public trail (consistent with the design approved by the Planning commission shall be provided within this buffer. A minimum ten foot (10') landscaped park strip is required between the road right-of-way and the trail for safety of trail users. A minimum of three trees are required every 30 linear feet along the frontage within the 50' buffer area. Trees may be clustered.

29.9.4.A.iv. Use of invasive plant and tree species is prohibited.

29.9.4.A.v. Required trees shall be a minimum two inch (2") caliper.

29.9.4.A.vi. All landscaped areas shall be maintained free of weeds and debris.

29.9.4.A.vii. An applicant may propose a landscaping plan utilizing water-efficient elements and plant species. The Planning and Zoning Commission may approve such a plan if the proposed landscaping and topography effectively buffer the Campground visually, aesthetically, and audibly from adjoining properties and public roads.

29.9.4.B. To meet the purposes of this Chapter, in particular the purposes of Section 29.1.6, the following recreation amenity requirements shall apply to Campgrounds:

Campgrounds shall provide adequate and convenient common recreational/open space(s) to give guests safe areas for children and adults to recreate, relax, and play. Campground streets are not considered a safe place for recreation.

Because each location presents unique opportunities and challenges, required ratios of amenity areas to lodging (RV, Cabin, and Tent) sites shall be determined on a project by project basis and incorporated into the Conditional Use Permit.

Typically, campgrounds shall provide a minimum of four-hundred (400) square feet per recreational vehicle site and cabin site as common recreational/open space. (Tent sites are not included in this calculation, to encourage a project to increase the number of tent sites provided.)

This can be achieved through a combination of multiple recreational spaces. Public or private streets, storage areas, service buildings, other paved areas, and exterior boundary landscaping shall not be included in calculating the communal recreational space requirement. Recreational structures may be included in the calculation.

29.9.5. INDIVIDUAL SITE DESIGN STANDARDS.

29.9.5.A. Each unit/site shall be plainly marked and numbered for identification and shall meet all requirements of this Chapter.

29.9.5.B. Each site shall have an area of not less than one thousand (1,000) square feet

29.9.5.C. RVs or trailers shall be separated from each other and from other structures by at least twenty feet (20'). Any accessory such as attached awnings or steps, for the purposes of this separation requirement, shall be considered part of the RV or trailer. The ability to accommodate a variety of RV's is strongly encouraged.

29.9.5.D. RV site pads and accessory amenities (e.g. picnic tables, shade structures, barbecue pits, etc.) shall not cover more than sixty-six percent (66%) of a site. The remainder of the site shall be landscaped.

29.9.5.E. No more than one (1) RV or trailer shall be placed on an individual site.

29.9.5.F. Walls and fences on individual sites shall not exceed two feet (2') in height.

29.9.5.G. Storage. There shall be no open storage of personal belongings within a site, nor shall there be an accessory building, shed, or cabinet placed upon or erected upon any site.

29.9.5.H. Fuel Tanks. All fuel tanks maintained within an RV site shall be securely mounted upon or attached to the RV or trailer which they serve. No accessory, freestanding fuel tanks shall be permitted in individual sites, except that one (1) such tank no larger than fifty (50) gallons may be approved by the Zoning Administrator during the period from November 1 to February 29 in locations specifically approved.

29.9.5.I. Removal of Wheels. Removal of axles, wheels, or tires from a travel trailer or recreational vehicle located within the Campground, except for emergency and/or temporary removal for repairs is prohibited.

29.9.5.J. Mail Boxes. Separate mail boxes, street address designations, or other similar accessories which could give the appearance of permanence to occupants of a travel trailer site are prohibited.

29.9.6. ACCESSORY FACILITIES.

29.9.6.A. Office. Campgrounds shall include a permanent building for office use. The building may include a one-family dwelling for the exclusive use of the owner or an employee, and that individual's immediate family.

29.9.6.B. Laundry Room. Campgrounds shall have one (1) or more laundry rooms. Laundry drying lines are prohibited. Campgrounds shall include a minimum of one (1) washer and one (1) dryer. Additional units of one (1) washer and one (1) dryer per 16 units are required.

29.9.6.C. Restroom and Shower Facilities. Communal restrooms, including toilets, showers, and lavatories, shall be provided to conveniently and adequately serve all units/sites. Minimum facility to equal: one (1) shower per Ten (10) sites, one (1) lavatory per six (6) sites and one (1) toilet per eight (8) sites.

29.9.7. NON-TRADITIONAL CAMPGROUNDS.

Non-traditional campgrounds that utilize creative designs for cabins and sleeping quarters, and incorporate other desirable facilities for meetings, weddings, or the like are gaining in popularity. Commonly referred to as "Glamping," these facilities provide "glamorous camping" experiences as an alternative to more traditional lodging. In order to accommodate projects of this nature that are consistent with the purposes of this Chapter, the Virgin Town Council may enter into a development agreement, following Planning and Zoning Commission review, findings, and recommendation of a Conditional Use Permit

Application, which governs unforeseen design considerations that are not addressed or otherwise permitted herein.

29.10 PROHIBITED USES.

All uses not listed as permitted or conditional shall be deemed prohibited. Recreational facilities developed in conjunction with a campground shall be of the size and scale that are clearly amenities for the guests of the business, are secondary, and are not designed to attract customers who are lodged elsewhere. Proposed amenities will be reviewed during the CUP application process; recreational or entertainment facilities that are not allowed elsewhere within the Town of Virgin, including zip lines, full-scale golf courses, water slides, and similar facilities are prohibited in the Camping Resort Zone.

29.8 FLOODPLAIN PROTECTION.

Campgrounds proposed to be located wholly or in part within a 100-year floodplain shall comply with all provisions of VULU Chapter 11 to protect Town residents and visitors from hazards that might be detrimental to their health, safety, and general welfare, and to protect properties located both up and downstream from increased risk of flooding.

2. Repealer: This Ordinance supersedes or repeals the provisions of any ordinance, resolution that are inconsistent with the provisions of this Ordinance.

3. Savings Clause: If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

4. Effective Date: This Ordinance shall become effective immediately upon adoption by the Virgin Town Council.

ADOPTED AND ORDAINED BY THE VIRGIN TOWN COUNCIL this ____ day of July, 2016 based upon the following vote:

Council Member:

Dan Snyder	AYE__	NAE__
Jean Krause	AYE__	NAE__
Jay Lee	AYE__	NAE__
Matthew Spendlove	AYE__	NAE__
Bruce Densley, Mayor	AYE__	NAE__

ATTEST:

Bruce Densley, Mayor

Monica Bowcutt, Town Clerk/Recorder